

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL**

Writ Petition No. 508 (S/S) of 2004

Dinesh Chandra

..... Petitioner

Versus

Conservator of Forest

..... Respondent

Hon'ble M.M. Ghildiyal, J.

The petitioner who is a Forest Guard has filed this writ petition for a direction to respondent to decide the appeal of the petitioner filed by him on 13.11.2003 before appellate authority.

Heard Sri B.D. Upadhyay learned counsel for the petitioner and learned Standing Counsel for the respondent.

The petitioner who was a Forest Guard was dismissed by Divisional Forest Officer, Upper Yamuna Forest Division Barkot District Uttarakashi. The dismissal order was passed after the petitioner was found guilty in the Departmental proceedings which were initiated against the petitioner on the allegations that he in collusion with Forest Mafia, promoted illegal fallings of trees within the area which comes under the jurisdiction of the Forest Department. Along with the petitioner, the disciplinary proceedings were also initiated against Sri Gabar Singh. The petitioner as well as Sri Gabar Singh was dismissed by the Divisional Forest Officer. Both the persons have filed appeal before Conservator of Forest and appeal of both the persons are pending. During pendency of appeal the respondent has reinstated Sri Gabar Singh Vide order dated 19.01.2003 annexure-3 to the writ petition, however, the petitioner has not been reinstated.

The contention of the petitioner is that the allegations against both the persons were same and on the similar charges, both the persons are dismissed, however, in appeal Sri Gabar Singh has been reinstated whereas the petitioner has not been reinstated.

Sir B.D. Upadhyay has limited his grievance that the appeal may be decided by the appellate authority as early as possible and the appellate authority may also consider for reinstatement of the petitioner.

In view of the facts that Sri Gabar Singh who was also facing similar charges and was also dismissed by the appellate authority has been reinstated. The appellate authority may also consider for reinstatement of the petitioner.

The prayer is innocuous and as such I direct the respondent to decide the appeal of the petitioner which was filed on 13.11.2003, if possible within a period of six weeks from the date of production of the certified copy of this order and in the meantime, the appellate authority shall consider for reinstatement of the petitioner, in case allegation against petitioner and Gabar Singh are same till the final decision is taken up on the appeal.

With these directions, the writ petition is disposed of finally.

20.05.2004
ASWAL

M.M. Ghildiyal, J.